

**REMARKS**

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1, 2, 3 and 5 are pending in this application. Claim 4 was previously cancelled. Claims 1 and 2 are currently amended.

Claims 1 and 2 have been amended as supported in the present specification in many places, including at: page 13, lines 12-13; page 13, last line; page 14, line 8; page 14, line 16; and page 14, last line.

No new matter has been added.

The applicant respectfully traverses the rejection of claims 1, 2 and 5 under 35 USC 103(a) over Bramati et al. in view of Suzuki and in further view of Nakayama et al.

Bramati et al. is directed to dispersing agents containing a combination of a lignosulfonate and certain sulfated, ethoxylated or ethoxylated-propoxylated di- or tristyrylphenols (column 1, lines 63-67). In particular, in column 3, lines 11-14, Bramati refers to combination of "a sodium lignosulfonate (e.g., REAX 88B or Polyfon O available from Westvaco) with a di- or tristyrylethoxylated sulfated ammonium salt (e.g., Soprophor 4D384 available from Rhone-Poulenc)...." In this regard, among the exemplified lignosulfonates, the degree of sulfonation of REAX 88B is 3.8, while that of Polyfon O is 1.2 (see present specification at page 6, line 19 to page 7, line 7, and page 18, lines 12-16).

In contrast to the presently claimed invention, Bramati neither refers to nor suggests a degree of sulfonation of lignosulfonates. Accordingly, the applicant submits that Bramati et al. does not disclose any specific description to suggest or motivate a

person of ordinary skill in the art to select a lignosulfonate surfactant with a degree of sulfonation of at least 2.0.

In addition, Bramati et al. does not include any reference to potassium chloride, although it specifically exemplifies various materials as optional constituents (please refer to column 3, line 54 to column 4, line 12 of the reference).

Suzuki discloses an invention relating to a water dispersible granule formation containing either the same or different type of active ingredients each having different distribution in the particle size from one to another, which is characterized in that the formulation is produced by mixing and granulating the first active ingredient pulverized under wet milling and the second active ingredient pulverized under dry milling (see claims 1 and 2 of reference). Further, Suzuki discloses an invention relating to a process for producing a water dispersible granule formation in Suzuki claim 8 to read as follows:

"A process for producing a water dispersible granule formulation comprising a step to combine the first active ingredient, a dispersing agent and water each in a predetermined amount and to pulverize the combined mixture into fine particles under wet milling, a step to combine the second active ingredient, a fine carrier consisting of minerals and a dispersing agent each in a predetermined amount and to pulverize the combined mixture under dry milling and a step to admix the mixture obtained in the wet milling step and the mixture obtained in the dry milling step and to granulate the admixed mixture."

Relative to the second step comprising dry milling, Suzuki refers to potassium chloride in the following description (see paragraph [0034] of reference):

"As examples for the fine carrier consisting of minerals to be combined at the dry milling process, an inorganic salt, such as potassium chloride, calcium carbonate, ammonium sulfate, potassium phosphate and sodium phosphate, diatomaceous earth, bentonite, pyrophyllite-type clay and caolinite-type clay may be given, and two or more of the compounds exemplified above may be used in combination as the carrier. (emphasis added)"

Although Suzuki also includes exemplification of dispersing agents (see paragraphs [0032] and [0033]), it does not refer to potassium chloride as a dispersing agent. Specifically, Suzuki only refers to potassium chloride to be combined at the dry milling process. Thus, the reference is not relevant to the invention described in Bramati et al or the presently claimed invention, because the dry milling process is not indispensable for the inventions.

Accordingly, the applicant submits that there is no motivation for a person of ordinary skill in the art to combine the teachings of Suzuki with those of Bramati et al. There is no suggestion, or reason to try to combine Suzuki with Bramati and thus, the applicant asserts that the combination of reference is not tenable and should be withdrawn.

Further, even if the teachings of Suzuki were combined with those of Bramati, such combined teachings would not result in the presently claimed invention.

The Office Action cites the reference of Nakayama et al., which relates to a liquid herbicide composition containing carfentrazone-ethyl, an anionic surfactant, a water-soluble organic compound and water and having a pH of from 2 to 7 (see claim 1 of reference).

On the other hand, the presently claimed invention relates to a granulated pesticidal composition (i.e. solid composition), and the active ingredients recited in present claim 1 do not include carfentrazone-ethyl.

Accordingly, the applicant submits that Nakayama is not relevant to the claimed invention of the subject application.

The Office Action comments on the Rule 132 Declaration filed on July 31, 2009, in the present application, stating that only Sample 1 demonstrates an unexpected result of rapid dispersibility for the claimed composition. However, the applicant respectfully submits that this statement is not correct, because the presently claimed invention is also supported by the specific experimental results of Examples 1 to 12 disclosed in the subject specification (please refer to Table 1 on page 21 of the present specification). In particular, the experimental results show that the compositions of the presently claimed invention have excellent dispersion property, compared with the composition (Comparative Example 2) in which sodium chloride was used in place of potassium chloride.

Thus, the applicant submits that the Rule 132 Declaration filed July 31, 2009, demonstrates the superiority and new and unexpected results of the presently claimed invention.

Please observe that claims 1 and 2 have been amended as shown above to recite "a sodium lignosulfonate surfactant." It should be noted that the invention of amended claims is still supported by the specific experimental results of the subject specification (and also that of the Rule 132 Declaration filed on July 31, 2009).

In view of the presently amended claims reciting a sodium lignosulfonate

surfactant, the applicant has performed new and specific, experiments comparing the presently claimed invention employing a sodium lignosulfonate surfactant as Sample 1, with a comparative example employing a calcium lignosulfonate surfactant, as Sample

2. A description of the experiments and the results are set forth in a new and properly executed Rule 132 Declaration attached to this Amendment. The Rule 132 Declaration further establishes the new and unexpected results of the presently claimed invention.

The Examiner is asked to carefully review the attached Rule 132 Declaration.

The specific constituents of Sample 1 (present invention) and Sample 2 (comparative example) are set forth in Table 1 of the attached Declaration and preparation is described, including problems in preparing Sample 2. The resulting samples were tested for self-dispersibility, amount of foam, volume of sediment, sediment dispersion and aggregation. Please see Table 3 in the Rule 132 Declaration for the test results.

The results in Table 3 show the superior, new and unexpected effect of the sodium lignosulfonate on dispersibility of granulated pesticidal compositions. In particular, Sample 1 has excellent properties of self-dispersibility, whereas self-dispersibility was not observed at all in Sample 2. Further, the properties of Sample 1 are superior to those of Sample 2 in other assessments: e.g., number of tube inversions required for dispersion in water. Sample 1 exhibits significantly excellent dispersibility, compared with that of Sample 2. Dispersibility of formulated granules in water is one of most important properties for water-dispersible pesticidal compositions.

Accordingly, the test data set forth in the attached Rule 132 Declaration demonstrate the superior, new and unexpected results of the presently claimed

invention.

Importantly, Bramati et al. discloses that among the formulations specifically prepared in Examples 1 to 8, only the formulations using calcium lignosulfonate (i.e. Examples 1, 5, and 7) exhibit good properties. Thus, the applicant asserts that a person of ordinary skill in the art would be led away from the presently claimed invention by the teachings of Bramati and would not use a sodium lignosulfonate in view of the teachings of Bramati et al.

The applicant submits that the presently claimed invention is fully allowable under Section 103(a) in view of the cited references.

In view of the above and the Rule 132 Declaration filed July 31, 2009 and the attached new Rule 132 Declaration, it is believed that this application is in condition for allowance and a Notice to that effect is respectfully requested.

Respectfully submitted,

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## **RULE 132 DECLARATION**

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